

REMARKS

Claims 1-12 were pending in the Present Application, of which claims 6-8 were withdrawn from consideration. Each of claims 1-5 and 9-12 was rejected under 35 U.S.C. § 112, second paragraph, and under 35 U.S.C. § 102(b). By this paper, claims 6-8 are cancelled without prejudice or disclaimer, claims 1-5 and 9-12 are amended, and new claims 13-22 are added to the Application. No new matter has been added by the claim amendments or claim additions. Support for the amendments and additions can be found in the specification, claims, and figures as originally filed. Reconsideration of the Present Application is respectfully requested.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claims 1-5 and 9-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action states that there is no antecedent basis for the phrase “the locking aperture” in line 21 and the phrase “the latch” in line 26 of claim 1. By this paper, the phrases “the locking aperture” and “the latch” have been cancelled from claim 1, thereby mooted the rejection of claims 1-5 and 9-12 under 35 U.S.C. § 112, second paragraph.

Claim Rejections – 35 U.S.C. § 102(b)

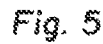
Claims 1-5 and 9-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,210,370 to Shaw (hereafter “Shaw”). The Applicants respectfully traverse this rejection.

Claim 1

It is well settled that a claim is anticipated under 35 U.S.C. § 102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Id.*, *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Because Shaw does not include every element as set forth in amended claim 1, this reference cannot anticipate claim 1. For example, amended claim 1 recites “a needle hub axially displaceable between a forward position in which a portion of the needle hub is within [a] housing and a rearward position in which the portion of the needle hub is outside the housing.” Shaw includes no such needle hub.

The retraction body 32 of Shaw, which the Office Action identifies as a needle hub, is configured to move within a housing 12. When the retraction body 32 is in the fully retracted position illustrated Fig. 5 (reproduced below), no portion of the retraction body 32 is outside of the housing 12. *See, e.g.*, Shaw at col. 6, ll. 27-34.



under 35 U.S.C. § 102 be removed and that this claim be passed to allowance.

Claims 2-5 and 9-12

Each of claims 2-5 and 9-12 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Shaw. Because each of claims 2-5 and 9-12 includes all of the limitations of claim 1, Shaw fails to anticipate each of claims 2-5 and 9-12 for at least the reasons discussed above. Therefore, the Applicants respectfully request that the rejection of claims 2-5 and 9-12 under 35 U.S.C. § 102 be removed and that these claims be passed to allowance.

New Claims 13-22

Each of new claims 13-22 depends from claim 1, either directly or indirectly. Therefore, new claims 13-22 are patentable over Shaw for at least the reasons discussed above with respect to amended claim 1. The Applicants respectfully submit that each of new claims 13-22 is in condition for allowance and request that these claims be passed to allowance.

Double Patenting

Each of claims 1-5 and 9-12 stands rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,641,555. The Applicants are submitting herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent (form PTO/SB/26) with respect to U.S. Patent No. 6,641,555, thereby mooted the double patenting rejection.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants submit that the Application is condition for allowance and a Notice of Allowance is respectfully requested. Should questions exist after consideration of the foregoing, the Office is kindly requested to contact the Applicants' attorney at the address or telephone number given herein.

Please continue sending all correspondence to Paul Evans at the following address: (Customer No. 26,152).

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Dated this 8th day of February, 2008.

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